

JIM GIBBONS
Governor

DIANNE CORNWALL
Director, Business and Industry



ANDREW J. MACKAY
Chairman

MICHAEL J. KLOBERDANZ
Commissioner

MONICA B METZ
Commissioner

DEPARTMENT OF BUSINESS AND INDUSTRY
NEVADA TRANSPORTATION AUTHORITY

A duly authorized meeting of the Nevada Transportation Authority was held on **Thursday, November 4, 2010 at 10:00am** at the Authority's offices located at 2290 South Jones Blvd., Suite #110, Las Vegas, Nevada and 1755 East Plumb Ln., Suite #216, Reno, Nevada.

MINUTES OF THE MEETING

1. **Call to Order**
2. **Roll Call; Attending in Las Vegas were Commissioner Michael Klobberdanz, Commissioner Monica Metz, Administrative Attorney Jim Day, Applications Manager Liz Babcock, Financial Analyst Lidia Aronova, Senior Deputy Attorney General David Newton, and Deputy Attorney General Christopher Eccles. Attending in Reno were Chairman Andrew MacKay, Deputy Commissioner Marilyn Skibinski, and Chief Inspector Michael Bradford.**
3. **Pledge of Allegiance**
4. ****Approval of Agenda; Chairman MacKay requested that item 13.d)50) be set aside for discussion. Commissioner Metz requested that item 13.d)44) be set aside for discussion. Applications Manager Babcock Requested that item 10.a) be removed from the Agenda and that item 13.a) be moved to follow to after item 13.d). Administrative Attorney Day noted that item 13.d)51) should be amended to read "Active" not "Action." The Authority voted 3-0 to approve the Agenda with modifications as noted.**
5. ****Approval of the Minutes of the September 30, 2010 Agenda Meeting; The Authority voted 3-0 to approve the Minutes of the September 30, 2010 general session.**
6. **Briefings from the Commissioners; Commissioner Metz noted that there would be an adoption hearing on Tuesday, November 9, 2010 and also noted that she was working with LCB to make changes that are necessary.**
7. **Briefing from the Deputy Commissioner; No briefing.**
8. **Report of Legal Counsel; No Report.**

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9. ****Applications for Fully Regulated Carriers**

- a) **Docket No. 09-08011** The Application of LifeTrans, Inc. for a certificate of public convenience and necessity to provide non-emergency medical transportation for the elderly and disabled population via non-medically supervised stretcher and wheelchair services within Clark and Nye Counties, Nevada. (AJM); **Ted Kurtz was present on behalf of the Intervener. Kimberly Rushton, Esq., Avo Avetisyan, Eloa Armenta, and Gloria Conley were present on behalf of Applicant. Chairman MacKay summarized the Application and recommended its approval. Ms. Rushton thanked Staff and stated that the Intervener made substantive points. Mr. Kurtz stated he respects the process and appreciates Staff and Commissioners allowing intervention. Administrative Attorney Day proposed an item to add to the order. The Authority voted 3-0 to approve the Application.**
- b) **Docket No. 10-05004** The Request for temporary discontinuance from May 16, 2010 through November 16, 2010 of services provided by ATV Action Tours, Inc. under Certificate of Public Convenience and Necessity (CPCN) 1039, Sub 1. Staff investigation concluded; **Kimberly Rushton, Esq., was present on behalf of Applicant. Applications Manager Babcock summarized the Application. Ms. Rushton noted for the record that the Applicants are currently trying to sell their assets and are brokering rides. The Authority voted 3-0 to approve temporary discontinuance for 90 days.**

10. ****Financial Rates and Tariffs**

- a) ~~**Docket No. 09-10022** The Application of SEM Enterprises, LLC d/b/a City Auto Towing for approval of a tariff rate modification for tow car services conducted under Certificate of Public Convenience and Necessity (CPCN) 7117, Sub 3. Staff investigation concluded.~~ **Removed from agenda.**
- b) **Docket No. 10-09023** The Application of Bell Trans for approval of a tariff rate modification for charter limousine and special services conducted under Certificate of Public Convenience and Necessity (PSC) 1023, Sub 1. Staff investigation concluded. **Kimberly Rushton, Esq., was present on behalf of the Applicant. Financial Analyst Aronova summarized the Application. The Authority voted 3-0 to approve the Application.**

11. ****Petition for Reconsideration**

Impound 1538 and Citation 14274 The Impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 14274 issued to Edward James Cote for violations of NRS 706.386 and NRS 706.758. Respondent's Petition for Reconsideration of the Final Order of the Authority issued at the September 30, 2010 general session. The Respondent seeks the following relief: (1) That Citation 14274 be dismissed; (2) That Impound 1538 be dismissed; (3) That the Respondent be returned the impounded vehicle or that he be reimbursed the value thereof; (4) That the telephone number (775) 833-0707 not be ordered disconnected; (5) That he be permitted to proceed with the assistance of counsel; and (6) For such and further relief as the Authority deems proper. (AJM); **Chairman Mackay and Anne Laughlin, Esq., on behalf of the Respondent, summarized the Petition. Senior Deputy Attorney General Newton made argument. Jim day noted that on prior similar matters there has been a new Order issued but the timing on this matter does not require it. Chairman MacKay encouraged appeal and stated his thoughts on the decision and the objections to it. The Authority voted 3-0 to deny the Petition for Reconsideration.**

12. **Discussion Item

Docket No. 10-06017 Authority Staff's request for Authority direction regarding the removal of the North Las Vegas Police Department City Fee from tow tariffs. Tabled from the Authority's September 30, 2010 general session; **Senior Deputy Attorney General Newton stated that he has left at least 4 unanswered messages for the North Las Vegas City Attorney, that he will now write a letter, and that he will continue to make contact until he gets a reply.**

13. **Consent Items:

a) Application for Certificate of Public Convenience and Necessity to Provide Charter Bus Service

Docket No. 10-07034 The Application of Centennial Shuttle, LLC for a Certificate of Public Convenience and Necessity to provide charter bus service within the State of Nevada. Staff investigation concluded. **Applications Manager Babcock summarized the Application. The Authority voted 3-0 to approve the Application.**

b) Applications for Certificates of Public Convenience and Necessity to Provide Tow Car Service

- 1) **Docket No. 10-04009** The Application of Vegas Heavy Haul, Inc. d/b/a Big Valley Towing for an expansion of authority to provide non-consent tow car service by tow car vehicle within the State of Nevada under Certificate of Public Convenience and Necessity 7238. Staff investigation concluded. **Applications Manager Babcock summarized the Application and recommended approval. The Authority voted 3-0 to approve the Application.**
- 2) **Docket No. 10-06018** The Application of American Auto Towing, Inc. d/b/a STS Towing for a certificate of public convenience and necessity to provide tow car service by tow car vehicle within the State of Nevada. Staff investigation concluded. **Mark Dynabursty was present on behalf of the Applicant. Applications Manager Babcock summarized the Application and recommended approval. The Authority voted 3-0 to approve the Application.**
- 3) **Docket No. 10-06032** The Application of Susan Zinser on behalf of Don H. Zinser, deceased, for authority to transfer and of Susan Zinser to acquire 25% of the corporate stock of D & S Tow, Inc., authorized to provide tow car service by tow car vehicle within the State of Nevada under Certificate of Public Convenience and Necessity (CPCN) 7045. Staff investigation concluded. **Applications Manager Babcock summarized the Application. The Authority voted 3-0 to approve the Application.**
- 4) **Docket No. 10-08011** The Application of R.T. Tow, LLC d/b/a R.T. Tow for a certificate of public convenience and necessity to provide tow car service by tow car vehicle within the State of Nevada. Staff investigation concluded. **Randy and Anne Thompson were present on behalf of the Applicant. Applications Manager Babcock summarized the Application and recommended its approval. The Authority voted 3-0 to approve the Application.**
- 5) **Docket No. 10-08021** The Application of Lifting Towing, LLC d/b/a Lifting Towing for a certificate of public convenience and necessity to provide tow car service by tow car vehicle within the State of Nevada. Staff investigation concluded. **Eloa Armenta was present on behalf**

of the Applicant. Applications Manager Babcock summarized the Application and recommended its approval. The Authority voted 3-0 to approve the Application.

c) Voluntary Cancellation

Docket No. 10-10021 The voluntary cancellation of Certificate of Public Convenience and Necessity (CPCN) 2117, issued to Southwest Charter Lines, Inc. Staff investigation concluded. **Applications Manager Babcock summarized the Application. The Authority voted 3-0 to order cancellation of the certificate.**

d) Administrative Citations and Impoundments **Chairman MacKay explained that the following items were administrative citation and impound matters in which either Staff submitted a Settlement Agreement for approval or a hearing officer presided over the hearing with respect to the alleged violation(s), made findings, and provided recommendations with respect to appropriate fines and/or other remedies. Chairman MacKay explained that the items are voted on in a block. The Authority voted 3-0 to approve items 13.d)1)-13.d)51) excluding items 13.d)6), 13.d)43), 13.d)44), and 13.d)50).**

- 1) **Citation 14462** issued to Michael Hoehl for a violation of NAC 706 as amended by LCB File No. R127-07(1). (AJM)
- 2) **Citation 14265** issued to Phyllis J. Clemmer dba Fernley Taxi for a violation of NAC 706.3761. (AJM)
- 3) **Citation 14460** issued to Leo Hyde for a violation of NAC 706.247/49 CFR 391.41. (AJM)
- 4) **Citation 14476** issued to Erick Jay Crawford for violations of NRS 706.386 and NRS 706.758. (AJM)
- 5) **Impound 1528** The impoundment pursuant to NRS 706.476 of a vehicle registered to Gloria Jean Crawford. (AJM)
- 6) **Impound 1773 and Citation 14984** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 14984 issued to Mark Lester Walker for a violation of NRS 706.386. (AJM) **Mark Walker was present and requested the item be set for rehearing so that he may obtain documents to prove income. Chairman MacKay made a motion to table the matter until the next general session and require the evidence to be submitted by December 1, 2010. The Authority voted 3-0 to approve the Chairman's Motion.**
- 7) **Citation 14115** issued to Bekins A-1 Movers, Inc. for 2 violations of NAC 706.247/49 CFR 391.301(a)(1). (MJK)
- 8) **Citation 14118** issued to 24/7 Entertainment, LLC for 2 violations of NAC 706.247/49 CFR 382.301(a)(1). (MJK)
- 9) **Citation 14340** issued to CLS Nevada, LLC for violations of NAC 706.247/49 CFR 391.301(a)(1) and of NAC 706.229.1(b)(2)(145 counts). (MJK)

- 10) Citations 14663 and 14664** issued to Nabil H. Mezher for violations of NAC 706.228, NAC 706.354 (2 counts), NAC 706.194, and NAC 706 as amended by LCB File No. R127-07(1). (MJK)
- 11) Citation 15121** issued to Anthony McClelland for a violation of NRS 706.386. (MJK)
- 12) Citation 15199** issued to Oasis Moving & Storage for a violation of NAC 706.3975. (MJK)
- 13) Citation 15228** issued to Centennial Transportation, LLC for a violation of NAC 706.247/49 CFR 395.1(e). (MJK)
- 14) Citation 15230** issued to Yosief Bereketeab for violations of NAC 706 as amended by LCB File No. R127-07(1) and NAC 706.228(5) as amended by LCB File No. R127-07. (MJK)
- 15) Citation 15231** issued to Gerald Keith Tucker for a violation of NAC 706.228(3) as amended by LCB File No. R127-07. (MJK)
- 16) Citation 15332** issued to Carlos Izaguirre for violations of NRS 706.386 and NRS 706.758. (MJK)
- 17) Impound 1603** The impoundment pursuant to NRS 706.476 of a vehicle registered to Gary Nairn. (MJK)
- 18) Impound 1714** The impoundment pursuant to NRS 706.476 of a vehicle registered to Evelyn Acevedo. (MJK)
- 19) Impound 1739** The impoundment pursuant to NRS 706.476 of a vehicle registered to Ark Autos. (MJK)
- 20) Impound 1753** The impoundment pursuant to NRS 706.476 of a vehicle registered to U-Haul of Oregon/U-Haul of Arizona. (MJK)
- 21) Impound 1775** The impoundment pursuant to NRS 706.476 of a vehicle registered to Abolhassan Jannati. (MJK)
- 22) Impound 1778** The impoundment pursuant to NRS 706.476 of a vehicle registered to Megan Sanchez. (MJK)
- 23) Impound 1783** The impoundment pursuant to NRS 706.476 of a vehicle registered to Nelvin Pinto-Acevedo. (MJK)
- 24) Impound 1790** The impoundment pursuant to NRS 706.476 of a vehicle registered to Joshua M Hardee. (MJK)
- 25) Impound 1605 and Citation 15237** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 15237 issued to Pedro Luis Candido for violations of NRS 706.386 and NRS 706.758. (MJK)

- 26) Impound 1774 and Citation 15269** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 15269 issued to Bradley S. Jones for violations of NRS 706.386 and NRS 706.758. (MJK)
- 27) Impound 1784, Impound 1785, and Citation 15334** The impoundments pursuant to NRS 706.476 of vehicles registered to and Citation 15334 issued to Juan Leon for violations of NRS 706.386 and NRS 706.758. (MJK)
- 28) Citation 14114** issued to A-1 Towing and Storage, Inc. for violations of NAC 706.247/49 CFR 391.41 (2 counts) and NAC 706.247/49 CFR 382.301 (3 counts). (MBM)
- 29) Citation 15141** issued to Mark McLane for violations of NRS 706.386 and NRS 706.758. (MBM)
- 30) Citation 15144** issued to Roger Ruiz for a violation of NAC 706.329. (MBM)
- 31) Citation 15200** issued to Eric Wright for a violation of NRS 706.386. (MBM)
- 32) Citation 15233** issued to Lonnie Crosby for a violation of NAC 706.228(3) as amended by LCB File No. R127-07. (MBM)
- 33) Citation 15234** issued to Abolhassan Jannati for a violation of NRS 706.386. (MBM)
- 34) Citation 15267** issued to Jerry Whitaker for a violation of NAC 706 as amended by LCB File No. R127-07(3). (MBM)
- 35) Citation 15278** issued to Dwayne Acevedo for a violation of NRS 706.386. (MBM)
- 36) Citation 15279** issued to Richardo Jose Brecher-Klein for violations of NRS 706.386 and NRS 706.758.(MBM)
- 37) Impound 1732** The impoundment pursuant to NRS 706.476 of a vehicle registered to Latisha D. Simmons. (MBM)
- 38) Impound 1779** The impoundment pursuant to NRS 706.476 of a vehicle registered to Enterprise Leasing Co. (MBM)
- 39) Impound 1780 and Citation 15273** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 15273 issued to Bryan Kyhl for violations of NRS 706.386 and NRS 706.758. (MBM)
- 40) Impound 1781 and Citation 15274** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 15274 issued to Kerim Mutlu for violations of NRS 706.386 and NRS 706.758. (MBM)
- 41) Citation 14271** issued to Quality Towing for a violation of NAC 706.420.
- 42) Citation 15050** issued to Sunrise Towing for 4 violations of NAC 706.420.

- 43) Citation 15120 issued to AA Action Towing, Inc. for 2 violations of NRS 706.4477. Chairman MacKay asked Senior Deputy Attorney General Newton whether the charges were refunded. Senior Deputy Attorney General Newton stated that typically they are not required to be refunded for NAC 706.311. The Authority voted 3-0 to table the matter until the next general session.
- 44) Citations 15147, 15148, and 15251 issued to Fox Charter for violations of NAC 706.381(1) (4 counts), NAC 706.203(1), NAC 706.247/49 CFR 391.51 (4 counts), NAC 706.311(1)(a) (33 counts), and NRS 706.463(3) (13 counts). Commissioner Metz noted that this item is similar to previous matters and suggested the Order be amended to add an unannounced random inspection within the next year. The Authority voted 3-0 to approve the Order as amended.
- 45) Citation 15192 issued to Latisha D. Simmons for violations of NRS 706.386 and NRS 706.758.
- 46) Citation 15204 issued to H.I.S. Tours USA, Inc. for a violation of NAC 706.302.
- 47) Citation 15229 issued to Richard James Procissi for a violation of NAC 706.228 as amended by LCB File No. R127-07.
- 48) Citation 15235 issued to Calvin J. Leslie for a violation of NRS 706.386.
- 49) Citation 15236 issued to Brian Jay Joseph for a violation of NRS 706.386.
- 50) Citation 15264 issued to Day & Night Towing for a violation of NAC 706.311(1)(a). Chairman MacKay asked Senior Deputy Attorney General Newton whether the charges were refunded. Senior Deputy Attorney General Newton stated that typically they are not required to be refunded for NAC 706.311. The authority voted 3-0 to table the Order until the December Agenda Meeting.
- 51) Citation 15276 issued to Erik McKissick dba Action Movers for violations of NRS 706.422 and NRS 706.171.

14. Public Comment: Michael Keller of AAA Insurance asked a question regarding why inside storage is on almost all of the tow bills that he receives.

15. Adjournment 11:42am

** Denotes the Authority is expected to consider and may take action on this matter.